

Message Text

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PAGE 01 NAIROB 08112 281458Z

ACTION AF-10

INFO OCT-01 ISO-00 ONY-00 SS-15 SSO-00 /026 W

-----112045 281459Z /45

O 281430Z JUN 77

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC IMMEDIATE 9332

C O N F I D E N T I A L NAIROBI 8112

E. O. 11652: GDS

TAGS: SHUM

SUBJECT: DRAFT HUMAN RIGHTS PLAN FOR KENYA

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REF: STATE 145568

1. EMBASSY BELIEVES DRAFT HUMAN RIGHTS PLAN TRANSMITTED REFTEL REPRESENTS EXCELLENT APPRAISAL OF HUMAN RIGHTS SITUATION IN KENYA. WE SHARE VIEW CLEARLY STATED IN PLAN THAT KENYA'S HUMAN RIGHTS RECORD, WHILE NOT UNBLEMISHED, IS AMONG THE STRONGEST IN AFRICA.

2. EMBASSY SUGGESTS, HOWEVER, THT TREATMENT IN THE DRAFT OF THE PROBLEM OF CORRUPTION BE REVISED. THE PROBLEM IS BY NO MEANS OVERDRAWN IN THE DRAFT; IN FACT, AS OUR REPORTS HAVE POINTED OUT, MOST IF NOT ALL SENIOR KENYAN OGVERNMENT OFFICIALS HAVE ENRICHED THEMSELVES OVER THE YEARS THROUGH CORRUPT PRACTICES OR AT LEAST THROUGH CONFLICT-OF-INTEREST SITATUIONS. HOWEVER, CONTRARY TO OPTIMISTIC ASSERTION IN DRAFT THAT WE HAVE SOME LEVERAGE IN ADDRESSING THIS PROBLEM, EMBASSY VIEW IS THAT WE HAVE NONE. MOREOVER, TO RAISE CORRUPTION WITH KENYAN REGIME INSIDERS WHO ARE THEMSELVES TARNISHED BY CORRUPTION, EVEN IN PRIVATE, WOULD INAVOIDABLY IMPUGN THEIR PERSONAL INTEGRITY AND THEREBY CREATE UNPRODUCTIVE ANIMOSITY. WE
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REGARD CORRUPTION AS A HOTTER POTATO THAN DETENTION IN TERMS OF OUR ABILITY TO INFLUENCE EXISTING PRACTICE.

3. CORRUPTION IN KENYA SHOULD ALSO BE PUT IN PERPSPECTIVE. AS THE DRAFT STATES,"THE EXTENT TO WHICH CORRUPTION HAS DIVERTED RESOURCES AWAY FROM USES WHICH WOULD RAISE THE OVERALL STANDARD OF LIVING AND BENEFIT THE MAJORITY

OF THE POPULATION IS... NOT CLEAR." IT IS FAIR TO SAY THAT CORRUPTION IN KENYA IS FAR LESS PERVASIVE THAN IN MAJORITY OF OTHER AFRICAN NATIONS, PARTICULARLY THE TYPE OF BRIBERY AND PETTY GRAFT WHICH EXISTS IN MANY COUNTRIES.

4. IN VIEW OF FOREGOING EMBASSY PROPOSES FOR DEPARTMENT'S CONSIDERATION FOLLOWING SPECIFIC CHANGES IN DRAFT PLAN:

--PAGE 3 PARA 2: CHANGE TO READ " ALTHOUGH NOT AS PERVASIVE AS IN MOST AFRICAN COUNTRIES, CORRUPTION IS A PROBLEM IN KENYA. SO IS THE VISIBLE.."

--PAGE 4 (2) 4TH SENTENCE: CHANGE TO READ "THUS, ALTHOUGH WE HAVE GOOD LEVERAGE IN PURSUING OUR PRIMARY OBJECTIVE, ONE WHICH KENYA'S LEADERS FULLY SHARE, WE HAVE ONLY LIMITED LEVERAGE IN DEALING WITH INTERNAL SECURITY MATTERS SUCH AS DETENTION POLICIES. WE CAN TO SOME SMALL EXTENT LIMIT THE SCOPE OF CORRUPTION BY ENSURING IT DOES NOT INVOLVE OUR ASSISTANCE PROGRAMS AND BY ADVISING U.S. BUSINESS TO AVOID INITIATION PRACTICES NOT PREVALENT IN KENYA AT PRESENT."

--PAGE 5 PARA 2, 4TH SENTENCE: REPLACE WORDS "THIS SUBJECT" WITH "DETENTION." ADD FOLLOWING SENTENCE TO END OF PARAGRAPH. "ANY APPROACH ON CORRUPTION NOT RELATED
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TO MANNER IN WHICH U.S. PROVIDED RESOURCES ARE UTILIZED IS LIKELY TO BE RESENTED."

5. EMBASSY ALSO BELIEVES THAT DRAFT PLAN'S ASSESSMENT OF POTENTIAL FOR KENYAN SUPPORT FOR U.S. HUMAN RIGHTS EFFORTS MAY BE TOO PESSIMISTIC. DESPITE WHAT IS REASONABLY DESCRIBED AS VULNERABLE POSITION IN KENYA, LOCAL MEDIA ARE SWIFT TO PUBLICIZE AND CRITICIZE BLATANT HUMAN RIGHTS VIOLATIONS WHETHER IN SOUTH AFRICA, OTHER AFRICAN COUNTRIES(E.G. UGANDA), OR ELSEWHERE(E.G., USSR), KENYA'S SELF-IMAGE IS THAT OF A HAVEN OF FREEDOM AND RESPECT FOR HUMAN RIGHTS AMIDST A MULTITUDE OF SOCIETIES WHICH HAVE LITTLE RESPECT FOR THESE PRINCIPLES. IN THE RIGHT CIRCUMSTANCES, KENYA MIGHT SUPPORT A U.S. HUMAN RIGHTS INITIATIVE.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, REPORTS
Control Number: n/a
Copy: SINGLE
Sent Date: 28-Jun-1977 12:00:00 am
Decaption Date: 22 May 2009
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977NAIROB08112
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770230-0776
Format: TEL
From: NAIROBI
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770611/aaaaajdz.tel
Line Count: 110
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: fa149e73-c288-dd11-92da-001cc4696bcc
Office: ACTION AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: ONLY
Reference: 77 STATE 145568
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 04-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2010555
Secure: OPEN
Status: NATIVE
Subject: DRAFT HUMAN RIGHTS PLAN FOR KENYA FOR AF DISTRIBUTION ONLY
TAGS: SHUM, KE
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/fa149e73-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009